IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

***O R D E R***

S.B. CIVIL WRIT PETITION NO. 5111/1998

*RAJESH KUMAR & ORS. Vs. THE STATE OF RAJASTHAN & ANR.*

Date: 15.12.2006.

**HON'BLE MR. K.S. RATHORE, J.**

Mr. N.K. Singhal for the petitioners.
Mr. B.S. Chhaba, Addl. GA for the State.
Mr. B.K. Sharma for the respondents.

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This is joint writ petition preferred by the four petitioners. All the petitioners were working as Safai Karamchari (Sweeper) with the Municipal Board, Uniara, District Tonk and they were given appointment on the post of Safai Karamchari after issuing advertisement and procuring no objection certificate for appointment on the said post from the Government and the same has been accorded vide order dated 07.06.98 and the petitioners were given appointment on the post of Sweeper vide order dated 28.07.98, but the controversy arose when vide order dated 23.09.98 (Annexure-7) the services of the petitioners have been terminated without affording opportunity of being heard.

Learned counsel for the petitioners placed reliance on the judgment rendered by this Court in ***S.B. Civil Writ Petition No. 633/1998- Sanjay Kumar & Ors. Vs. State of Rajasthan & Ors., dated 17.08.2006.***

The services of the petitioners have been terminated vide order dated 23.09.98 and admittedly the petitioners are not in service. Even though the impugned order which has been passed on the ground that the appointments are made contrary to the instructions issued by the Government, therefore, their services have been terminated that is admittedly without issuing notices to the petitioners and inquiry was also ordered to be initiated in the matter.

As the respondents have not followed bare minimum principle of natural justice, therefore, in the interest of justice, I deem it proper to quash the set-aside the impugned order dated 23.09.98. The respondents are given liberty to proceed further after issuing notices to the petitioners and as the petitioners are not in service, therefore, I do not want to pass any order of reinstatement but only give liberty to the petitioners also to represent their case before the respondents. As this matter is pending since 1998, therefore, the matter requires expeditious consideration, but in any case the respondent Municipal

Board, Uniara, District Tonk is directed to take steps within a period of three months from the date of passing of this order after issuing notices to the petitioners and the petitioners be given liberty of being heard and only then an appropriate order be passed either for reinstatement of the petitioners or for their termination if it is found contrary to law and the petitioners are also at liberty to redress their grievance.

With these observations, the writ petition stands disposed of.

**(K.S. RATHORE),J.**

/KKC/